

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED SERVICES §
AUTOMOBILE ASSOCIATION, §
a Texas reciprocal inter-insurance exchange, §
§
PLAINTIFF, § CIV. ACTION NO. SA12CA0282-H LH
§
v. §
§
MITEK SYSTEMS, INC., § JURY TRIAL DEMANDED
a Delaware corporation, §
§
DEFENDANT. §

STIPULATED MOTION TO DISMISS

United Services Automobile Association (“USAA”) and Mitek Systems, Inc. (“Mitek”), by and through their respective counsel of record, hereby stipulate and move as follows:

WHEREAS the parties have been involved in the above-captioned litigation since March 29, 2012, which has been consolidated with transferred Civil Action No. 12-462-GMS (D.Del.) (“the Litigation”); and

WHEREAS the parties have met and conferred in good faith concerning the claims remaining for trial.

IT IS THEREFORE STIPULATED AND AGREED BY COUNSEL FOR THE PARTIES THAT:

1. USAA agrees and moves to dismiss all of its remaining claims and counterclaims against Mitek in the Litigation as follows: USAA agrees and hereby moves to dismiss with prejudice its claims and counterclaims of misappropriation of trade secrets, breach

of contract, reimbursement, fraud and fraudulent inducement, correction of inventorship, and invalidity of Mitek's patents asserted in this Litigation. USAA agrees and hereby moves to dismiss without prejudice its counterclaim of inequitable conduct concerning Mitek's patents asserted in this Litigation.

2. Mitek agrees and moves to dismiss with prejudice all of its remaining claims and counterclaims against USAA in the Litigation.

DATED: September 16, 2014

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a)(1). As such, this Motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(b)(1). Pursuant to FED. R. CIV. P. 5(a)-(d) and Local Rule CV-5(b)(2), all other counsel or record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 16th day of September, 2014.

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